

CHAPTER 10 — BE IN SHAPE TO DRIVE

ALCOHOL, DRUGS, AND DRIVING

Driving a motor vehicle is a privilege. It takes skill and common sense. Alcohol or drugs or fatigue will cause your driving to suffer, and it is your responsibility to know when you are not in shape to drive. Driving under the influence of alcohol or drugs, even medicine, or driving when you're tired can have deadly consequences — for you, your passengers, and other motorists.

Drinking and driving is not worth the risk to your life and the lives of others. Even a small amount of alcohol may affect your driving ability. If you are going to drink, let someone else drive who has not been drinking.

Missouri laws are tough if you are found guilty of drinking or using drugs while driving. You may pay a fine, lose your license, and even go to jail.

If you injure or kill someone because you were drinking or using drugs while driving, you may:

- Spend 2 to 7 years in jail,
- Pay a \$5,000 fine, and/or
- Lose your driver license for 5 years.

When a police officer stops you and suspects you have been drinking, the officer may ask you to take some tests like walking heel to toe or standing on one leg. These tests will help the officer decide if you should be arrested and have a chemical test of your breath, blood, or urine. The result of this test is known as your Blood Alcohol Concentration (BAC) level.

Administrative Actions

If your Blood Alcohol Concentration (BAC) level is .08% or more (or for minors .02% or more), the officer will take your license away and give you a notice. This notice tells you that your license will be suspended or revoked (and you will not be able to legally drive) after 15 days. The notice includes a 15-day driving permit that you can use if the officer indicates this on the notice. The notice also includes a form that allows you to request a hearing. If you are given a hearing, you may continue to legally drive until 15 days after a decision is mailed to you.

There are two types of actions that may be taken against you for driving when you are not fit to drive. There are administrative actions and court convicted actions, which carry different penalties.

The following chart shows the administrative actions that you can expect to face if you are arrested for driving under the influence of alcohol or drugs.

Administrative Action	Driver License Suspension/Revocation/Denial	To Get Your License Back
License Suspension	<p><u>1st Offense</u> --30 day suspension, followed by a 60-day restricted driving privilege</p> <p><u>*2nd Offense</u> -- 30 day suspension, followed by a 60-day restricted driving privilege, for a 2nd offense that occurred outside a 5-year period</p>	<p><i>Please see page 80 for Reinstatement Requirements</i></p>
License Revocation	<p><u>*2nd Offense</u> --1-Year license revocation</p>	

*IID installation required for reinstatement.

Court Convicted Actions

If you receive a ticket and a judge finds you guilty of Driving While Intoxicated (DWI) or Blood Alcohol Concentration (BAC) of .08% or more, you will not be able to legally drive after the ticket is sent to the department. Your license will be suspended, revoked, or denied based on your past driving record and the points added to your record. You will be notified by mail when you must stop driving. The chart on the next page shows the consequences of a court convicted action like DWI or BAC:

Crime	Fines/Jail	Driver License Suspension, Revocation, or Denial	To Get Your License Back
BAC Driving/operating a vehicle with .08% Blood Alcohol Content or more and/or DWI Driving while intoxicated.	<p><u>1st Offense</u> - Spend up to 6 months in jail. Pay up to a \$500 fine.</p> <p><u>2nd Offense</u> - Spend up to 1 year in jail. Pay up to a \$1000 fine.</p> <p><u>3rd Offense</u> - Spend up to 4 years in jail. Pay up to a \$5,000 fine.</p> <p><u>4th Offense</u> - Spend up to 7 years in jail. Pay up to a \$5,000 fine.</p> <p><u>5th Offense</u> - Spend between 5 and 15 years in jail.</p>	<p><u>1st Offense</u> - 30 day suspension, followed by a 60-day restricted driving privilege.</p> <p><u>*2nd Offense</u> - 1-year license revocation.</p> <p><u>*2nd Offense Within 5 Years</u> - 5-year license denial.</p> <p>NOTE: Only a BAC with a conviction date of August 28, 2009 or after can be used toward a five-year denial.</p> <p><u>*3rd Offense</u> - 10-year license denial.</p> <p><u>*3rd and Subsequent Offenses</u> - 10-year license denial.</p>	<p><i>Please see page 80 for Reinstatement Requirements</i></p>

*IID installation required for reinstatement.

Missouri's Abuse and Lose Law

If you are younger than 21 years of age, your driver license may be taken away for 90 days for any of the following:

- Any alcohol-related traffic offense
- If you possess or use alcohol or drugs while driving a vehicle
- If you alter, modify, or misrepresent a driver license
- If you are under 18 years of age and possess or use alcohol and are charged with a second offense.

If you are 21 years of age or older, you may have your driver license taken away for one year if you possess or use drugs while driving. To get your license back, you must:

- Pay a \$45 fee
- Submit a form showing you completed a Substance Abuse Traffic Offender Program (SATOP) or comparable program

Minor in Possession (MIP) and Other Alcohol Offenses

If you are older than 15 years of age and under 21 years of age, a state court may suspend or revoke your driver license for any of the following:

- Purchasing or attempting to purchase any intoxicating liquor
- Possessing any intoxicating liquor (consumption constitutes possession).
- Being visibly intoxicated as defined in Section 577.001, RSMo.
- Having a Blood Alcohol Content (BAC) level of more than .02%

The following chart shows the consequences a young person faces for MIP and other alcohol offenses:

Crime	Driver License Suspension/Revocation	To Get Your License Back
MIP Minor in Possession	<u>1st Offense</u> — 30-day suspension <u>2nd Offense</u> — 90-day suspension <u>3rd Offense</u> — 1-year revocation	Pay a \$45 fee, and attend a Substance Abuse Traffic Offender Program (SATOP) or comparable program.

Proof of Insurance

If you are facing consequences of a DWI or BAC, you will be required to file proof of insurance with the Driver License Bureau. The most common method of filing proof of insurance is an SR-22 insurance filing. Proof of insurance must be kept on file with the Driver License Bureau for two years. If you do not keep proof of insurance on file, your driver license will be suspended for the rest of the two years unless you file proof of insurance and pay a \$20 fee.

There is one exception to this rule: Minors with a BAC of .02% or more do not have to file proof of insurance on a first offense.

More information about insurance is included in Chapter 13 of this Guide.

Refusal to Submit to a Chemical Test of Your Blood Alcohol Concentration (BAC)

If a police officer stops you and you refuse to take a chemical test to determine your BAC, your driver license will be taken away for one year. Your driver license may be reinstated if you submit the requirements listed below.

Reinstatement Requirements for Alcohol-Related Offenses

Your license will be reinstated if you:

- Pay a \$45 fee;
- Submit a form showing you completed a Substance Abuse Traffic Offender Program (SATOP) or comparable program;
- Provide proof of insurance for two years (SR-22 filing); and
- Have an ignition interlock device (IID) installed on any vehicle you operate for at least six months from date of reinstatement (This requirement becomes effective July 1, 2009 and applies only if you had a prior alcohol-related contact).

Ignition Interlock

An ignition interlock device (IID) is a mechanical unit that is connected to the vehicle's ignition, horn, and headlights and measures the concentration of alcohol in a person's breath. The IID requires vehicle operators to provide a breath sample before starting the vehicle and periodically during the operation of the vehicle.

Effective July 1, 2009, if you have more than one alcohol-related contact showing on your driver record, you must have an IID installed on any vehicle you operate before your driving privilege can be reinstated. The IID must be installed for a minimum of six months from your reinstatement date. You must pay for having the device installed and for having it serviced every month. If you fail to maintain the IID during the six-month period, your driving privilege will be re-suspended. You will be required to have the device serviced/installed, send proof to the driver license bureau, and pay a \$20 reinstatement fee before having your driving privilege reinstated.

In addition to driver licensing requirements, a court may impose other requirements such as: IID use for the first DWI conviction; or use of a device for longer than six months.

If you receive a ticket for failing to have an IID installed as required by law and you are convicted in court, your driving privilege will be revoked for one-year. A second offense requires your driving privilege to be taken away for five years.

To locate a list of approved ignition interlock devices and installers, visit www.modot.mo.gov/safety/ImpairedDriving.htm or contact the Missouri Department of Transportation at 800-800-2358.